

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 10-20535

Honorable David M. Lawson

v.

BOBBY W. FERGUSON, SHAKIB DERIA,  
MICHAEL WOODHOUSE, CALVIN L. HALL,  
FERGUSON ENTERPRISES, INC., XCEL  
CONSTRUCTION SERVICES, INC.,  
A & F ENVIRONMENTAL/JOHNSON  
CONSTRUCTION SERVICES, BRIAN DODDS,  
and TABITHA GOODNER,

Defendants.

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**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION *IN LIMINE***

On July 7, 2011, the plaintiff filed a motion *in limine*, seeking to admit claims of ownership signed by defendant Bobby W. Ferguson.

In this district, movants must seek concurrence in the relief requested before filing a motion or request with this Court. E.D. Mich. LR 7.1(a). If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that "there was a conference between the attorneys . . . in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought [ ] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference." E.D. Mich. LR 7.1(a)(2).

The plaintiff does not state in its motion that concurrence was sought from the defendants before filing the motion. Particularly with respect to motions *in limine*, it is necessary for the Court to know the opposing parties' positions when determining evidentiary issues. The concurrence

requirement serves the purpose of informing the Court of the parties' perspective on and intent with respect to evidentiary issues. "It is not up to the Court to expend its energies when the parties have not sufficiently expended their own." *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). The plaintiff has filed its motion in violation of the local rules and in a manner that does not provide the Court with the information necessary to make a decision.

Accordingly, it is **ORDERED** that the plaintiff's motion *in limine* [dkt. #92] is **DENIED WITHOUT PREJUDICE**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: July 14, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 14, 2011.

s/Deborah R. Tofil  
DEBORAH R. TOFIL